

SHB 1020 - H AMD
By Representative

ADOPTED 01/27/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 80.50.020 and 2001 c 214 s 3 are each amended to read
4 as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Applicant" means any person who makes application for a site
8 certification pursuant to the provisions of this chapter.

9 (2) "Application" means any request for approval of a particular
10 site or sites filed in accordance with the procedures established
11 pursuant to this chapter, unless the context otherwise requires.

12 (3) "Person" means an individual, partnership, joint venture,
13 private or public corporation, association, firm, public service
14 company, political subdivision, municipal corporation, government
15 agency, public utility district, or any other entity, public or
16 private, however organized.

17 (4) "Site" means any proposed or approved location of an energy
18 facility.

19 (5) "Certification" means a binding agreement between an applicant
20 and the state which shall embody compliance to the siting guidelines,
21 in effect as of the date of certification, which have been adopted
22 pursuant to RCW 80.50.040 as now or hereafter amended as conditions to
23 be met prior to or concurrent with the construction or operation of any
24 energy facility.

25 (6) "Associated facilities" means storage, transmission, handling,
26 or other related and supporting facilities connecting an energy plant
27 with the existing energy supply, processing, or distribution system,
28 including, but not limited to, communications, controls, mobilizing or
29 maintenance equipment, instrumentation, and other types of ancillary
30 transmission equipment, off-line storage or venting required for

1 efficient operation or safety of the transmission system and overhead,
2 and surface or subsurface lines of physical access for the inspection,
3 maintenance, and safe operations of the transmission facility and new
4 transmission lines constructed to operate at nominal voltages in excess
5 of ((200,000)) 115,000 volts to connect a thermal power plant to the
6 northwest power grid(~~(:—PROVIDED, That)~~). However, common carrier
7 railroads or motor vehicles shall not be included.

8 (7) "Transmission facility" means any of the following together
9 with their associated facilities:

10 (a) Crude or refined petroleum or liquid petroleum product
11 transmission pipeline of the following dimensions: A pipeline larger
12 than six inches minimum inside diameter between valves for the
13 transmission of these products with a total length of at least fifteen
14 miles;

15 (b) Natural gas, synthetic fuel gas, or ((~~liquefied~~)) liquefied
16 petroleum gas transmission pipeline of the following dimensions: A
17 pipeline larger than fourteen inches minimum inside diameter between
18 valves, for the transmission of these products, with a total length of
19 at least fifteen miles for the purpose of delivering gas to a
20 distribution facility, except an interstate natural gas pipeline
21 regulated by the United States federal power commission;

22 (c) Electrical transmission facilities in national interest
23 electric transmission corridors as designated by the United States
24 secretary of the department of energy or the federal energy regulatory
25 commission pursuant to section 1221 of the national energy policy act,
26 and such rules and regulations as the secretary or the federal energy
27 regulatory commission adopts to implement the act.

28 (8) "Independent consultants" means those persons who have no
29 financial interest in the applicant's proposals and who are retained by
30 the council to evaluate the applicant's proposals, supporting studies,
31 or to conduct additional studies.

32 (9) "Thermal power plant" means, for the purpose of certification,
33 any electrical generating facility using any fuel, including nuclear
34 materials, for distribution of electricity by electric utilities.

35 (10) "Energy facility" means an energy plant or transmission
36 facilities: PROVIDED, That the following are excluded from the
37 provisions of this chapter:

1 (a) Facilities for the extraction, conversion, transmission or
2 storage of water, other than water specifically consumed or discharged
3 by energy production or conversion for energy purposes; and

4 (b) Facilities operated by and for the armed services for military
5 purposes or by other federal authority for the national defense.

6 (11) "Council" means the energy facility site evaluation council
7 created by RCW 80.50.030.

8 (12) "Counsel for the environment" means an assistant attorney
9 general or a special assistant attorney general who shall represent the
10 public in accordance with RCW 80.50.080.

11 (13) "Construction" means on-site improvements, excluding
12 exploratory work, which cost in excess of two hundred fifty thousand
13 dollars.

14 (14) "Energy plant" means the following facilities together with
15 their associated facilities:

16 (a) Any stationary thermal power plant with generating capacity of
17 three hundred fifty thousand kilowatts or more, measured using maximum
18 continuous electric generating capacity, less minimum auxiliary load,
19 at average ambient temperature and pressure, and floating thermal power
20 plants of one hundred thousand kilowatts or more, including associated
21 facilities. For the purposes of this subsection, "floating thermal
22 power plants" means a thermal power plant that is suspended on the
23 surface of water by means of a barge, vessel, or other floating
24 platform;

25 (b) Facilities that generate electricity using alternative energy
26 resources as the source of power;

27 (c) Facilities which will have the capacity to receive liquified
28 natural gas in the equivalent of more than one hundred million standard
29 cubic feet of natural gas per day, which has been transported over
30 marine waters;

31 ((+e)) (d) Facilities which will have the capacity to receive more
32 than an average of fifty thousand barrels per day of crude or refined
33 petroleum or liquified petroleum gas which has been or will be
34 transported over marine waters, except that the provisions of this
35 chapter shall not apply to storage facilities unless occasioned by such
36 new facility construction;

37 ((+d)) (e) Any underground reservoir for receipt and storage of

1 natural gas as defined in RCW 80.40.010 capable of delivering an
2 average of more than one hundred million standard cubic feet of natural
3 gas per day; and

4 ~~((e))~~ (f) Facilities capable of processing more than twenty-five
5 thousand barrels per day of petroleum into refined products.

6 (15) "Land use plan" means a comprehensive plan or land use element
7 thereof adopted by a unit of local government pursuant to chapter~~((s))~~
8 35.63, 35A.63, ~~((e))~~ 36.70, or 36.70A RCW.

9 (16) "Zoning ordinance" means an ordinance of a unit of local
10 government regulating the use of land and adopted pursuant to
11 chapter~~((s))~~ 35.63, 35A.63, ~~((e))~~ 36.70, or 36.70A RCW or Article XI
12 of the state Constitution.

13 (17) "Alternative energy resource" means: (a) Wind; (b) solar
14 energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal
15 action; or (f) biomass energy based on solid organic fuels from wood,
16 forest, or field residues, or dedicated energy crops that do not
17 include wood pieces that have been treated with chemical preservatives
18 such as creosote, pentachlorophenol, or copper-chrome-arsenic.

19 (18) "Secretary" means the secretary of the United States
20 department of energy.

21 NEW SECTION. Sec. 2. (1) Section 1221 of the national energy
22 policy act of 2005 directs a state authority to consult with other
23 state agencies, utilities, local municipal governments, public interest
24 groups, tribes, and other interested persons to convey their views to
25 the secretary and the federal energy regulatory commission regarding
26 appropriate limits on federal regulatory authority in the siting of
27 electrical transmission corridors in the state of Washington.

28 (2) Section 1221 of the national energy policy act also authorizes
29 a state siting authority, in those instances where applicants seek a
30 federal construction permit otherwise authorized pursuant to section
31 1221 of the act, to assert jurisdiction on the basis of existing state
32 regulatory authority.

33 (3) Section 1221 of the national energy policy act further
34 authorizes a state siting authority to approve the siting of facilities
35 or consider the interstate benefits to be achieved by proposed
36 construction or modification as provided for in section
37 1221(b)(1)(A)(i)-(ii) of the act or other provisions of the act, or

1 rules and regulations implementing the act, and to convey the views and
2 recommendations regarding the need for and impact of a transmission
3 facility where the federal energy regulatory commission is determined
4 to have jurisdiction.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 80.50 RCW
6 to read as follows:

7 The council is designated as the state authority for purposes of
8 siting transmission facilities under the national energy policy act of
9 2005 and for purposes of other such rules or regulations that may be
10 adopted by the secretary. The council's authority regarding
11 transmission facilities is limited to those transmission facilities
12 that are the subject of section 1221 of the national energy policy act
13 and this chapter.

14 **Sec. 4.** RCW 80.50.060 and 2001 c 214 s 2 are each amended to read
15 as follows:

16 (1) Except as provided in subsections (2) and (3) of this section,
17 the provisions of this chapter shall apply to the construction of
18 energy facilities which includes the new construction of energy
19 facilities and the reconstruction or enlargement of existing energy
20 facilities where the net increase in physical capacity or dimensions
21 resulting from such reconstruction or enlargement meets or exceeds
22 those capacities or dimensions set forth in RCW 80.50.020 (7) and (14).
23 No construction of such energy facilities may be undertaken, except as
24 otherwise provided in this chapter, after July 15, 1977, without first
25 obtaining certification in the manner provided in this chapter.

26 (2) The provisions of this chapter apply to the construction,
27 reconstruction, or enlargement of a new or existing energy facility
28 that exclusively uses alternative energy resources and chooses to
29 receive certification under this chapter, regardless of the generating
30 capacity of the project.

31 (3) The provisions of this chapter apply to the construction of new
32 electrical transmission facilities or the modification of existing
33 electrical transmission facilities in a national interest electric
34 transmission corridor designated by the secretary.

35 (4) The provisions of this chapter shall not apply to normal

1 maintenance and repairs which do not increase the capacity or
2 dimensions beyond those set forth in RCW 80.50.020 (7) and (14).

3 ~~((4))~~ (5) Applications for certification of energy facilities
4 made prior to July 15, 1977 shall continue to be governed by the
5 applicable provisions of law in effect on the day immediately preceding
6 July 15, 1977 with the exceptions of RCW 80.50.190 and 80.50.071 which
7 shall apply to such prior applications and to site certifications
8 prospectively from July 15, 1977.

9 ~~((5))~~ (6) Applications for certification shall be upon forms
10 prescribed by the council and shall be supported by such information
11 and technical studies as the council may require.

12 **Sec. 5.** RCW 80.50.090 and 2001 c 214 s 7 are each amended to read
13 as follows:

14 (1) The council shall conduct an informational public hearing in
15 the county of the proposed site as soon as practicable but not later
16 than sixty days after receipt of an application for site
17 certification(~~(:—PROVIDED, That)~~). However, the place of such public
18 hearing shall be as close as practical to the proposed site.

19 (2) Subsequent to the informational public hearing, the council
20 shall conduct a public hearing to determine whether or not the proposed
21 site is consistent and in compliance with city, county, or regional
22 land use plans or zoning ordinances. If it is determined that the
23 proposed site does conform with existing land use plans or zoning
24 ordinances in effect as of the date of the application, the city,
25 county, or regional planning authority shall not thereafter change such
26 land use plans or zoning ordinances so as to affect the proposed site.

27 (3) Prior to the issuance of a council recommendation to the
28 governor under RCW 80.50.100 a public hearing, conducted as an
29 adjudicative proceeding under chapter 34.05 RCW, the administrative
30 procedure act, shall be held. At such public hearing any person shall
31 be entitled to be heard in support of or in opposition to the
32 application for certification.

33 (4) Additional public hearings shall be held as deemed appropriate
34 by the council in the exercise of its functions under this chapter."

35 Correct the title.

EFFECT: Adds an uncodified section to the bill, which explains

the impact of the National Energy Policy Act on the siting of regional electric transmission. Designates the Energy Facility Site Evaluation Council as the state authority regarding the siting of national interest electric transmission facilities for purposes of the National Energy Policy Act. Alters the definition of transmission facility under the bill to include electrical transmission facilities in national interest electric transmission corridors. Adds that provisions related to the Energy Facility Site Evaluation Council in chapter 80.50 RCW apply to national interest electric transmission corridors. Adds that cities, in addition to counties or regions, may not change their land use plans in order to affect a proposed site. Makes technical changes to the bill.

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